

REMARKS

This response is filed in response to an Office Action mailed June 13, 2006 and subsequent Notice of Non-Compliant Amendment mailed July 31, 2007, issued by the United States Patent and Trademark Office in connection with the above identified application.

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner.

Claims 1-9 and 11-13 are pending in the application. Claims 1, 5-9 and 12-13 have been amended. Claim 11 has been cancelled. Reconsideration of the application is respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1-9 and 11-13 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5-9 and 12-13 have been amended to better clarify and distinctly claim the subject matter. Claim 11 has been cancelled. Applicant respectfully submits that the objections are now moot.

Claim Rejections – 35 USC § 102

Claims 1-9 and 11-13 are rejected under 35 USC 102(e) as being anticipated by Sinquin et al. (US Patent 6425098).

Applicants respectfully traverse this rejection in view of the amendments to claims 1, 5-9 and 12-13, and the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a *prima facie* case.

Claim 1 discloses a method for producing a copy-protected audio compact disc, containing a plurality of symbols within error-correction codewords representing audio data samples of an audio signal which, *inter alia*, includes the step of “disabling the error-correction

of the error-correction codewords associated with the erroneous symbols by altering at least one of a plurality of data symbols in the codewords associated with the erroneous symbols".

Claim 7 discloses a copy-protected audio compact disc containing a plurality of symbols within error-correction codewords representing audio data samples of an audio signal, which, *inter alia*, includes "error-correction codewords associated with the altered data symbol which include at least one overwritten data symbol contained within the error-correction codeword associated with the altered data symbol".

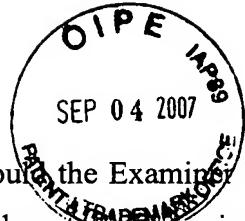
Sinquin describes a method for protecting data which introduces intentionally erroneous data values and generating error correcting codes as though all values (including the erroneous data values) are correct.

It is respectfully asserted that Sinquin does not teach how to override error correction and that Sinquin fails to meet either expressly or inherently the limitation of *altering data symbols in the codewords associated with the erroneous symbols* (emphasis added).

Thus, Applicants respectfully submit that the rejection of independent claims 1 and 7 has been overcome.

Since claims 2-6 and 12 depend from claim 1 and claims 8-9 and 13 depend from claim 7, Applicants believe the rejection of these claims has been overcome for at least the same reason.

The prior art made of record is noted.



Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below.

In view of the above amendments and remarks, it is respectfully submitted that the claims are patentable over the art of record and are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

Respectfully submitted,
MACROVISION CORPORATION

Dated: 8/29, 2007

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I hereby certify that this is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 29, 2007.

Barbara Skliba
Barbara Skliba

8/29/07
Date